

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
November 17, 2008**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 2:15 P.M. on November 17, 2008 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

**BOARD MEMBERS
PRESENT:** Florence Jones-Clarke, R.N., M.S., Chairperson
Joyce A. Hahn, Ph.D.; APRN; NEA-BC
John M. Horn, L.P.N.
Patricia C. Lane, R.N., M.S.N.
Evelyn Lindsay, L.P.N.
Judith E. Piersall, R.N., B.S.N.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director (joined later)
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry
Manager
Amy Davis, Administrative Assistant

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Nursing students from Prince William County Public Schools; Bon Secours
School of Nursing; Southampton Memorial Hospital School of Nursing; J.
Sargeant Reynolds Community College and Nurse Aide students from Adult
Development Center

**ESTABLISHMENT OF
A QUORUM:** With six voting members of the Board present, a quorum was established.

FORMAL HEARINGS: **Kimberly Wainwright, R.N. 0001-142663**
Ms. Wainwright did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Howard
M. Casway, Senior Assistant Attorney General was legal counsel for the Board.
L. Diane Paarfus, court reporter, recorded the proceedings.

Patricia Harte-Byers, Senior Investigator, Department of Health Professions
testified by telephone.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant
to §2.2-3711(A)(27) of the *Code of Virginia* at 2:38 P.M., for the purpose of
deliberation to reach a decision in the matter of Ms. Wainwright. Additionally,
Ms. Lindsay moved that Ms. Mitchell, Ms Power, Ms. Davis and Mr. Casway

attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:15 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Piersall moved that the Board of Nursing indefinitely suspend the license of Kimberly Wainwright until such time as she can appear before the Board and demonstrate she is safe and competent to practice.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Deborah J. Allen, R.N. 0001-140092

Ms. Allen appeared.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth.
Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. L. Diane Paarfus, court reporter, recorded the proceedings.

Vicki Garrison, Pharmacy Inspector, Department of Health Professions; Martha Grammer, R.N., St. Mary's Hospital; Deborah Nelson, R.N., Nurse Manager, Veteran's Administration Hospital; Deborah Daniels, L.C.S.W.; and Rose Allen, mother of respondent were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:35 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Allen. Additionally, Ms. Lindsay moved that Ms Power, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:50 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing issue an order of reprimand to Deborah Allen.

The motion was seconded and carried. Ms. Lindsay, Ms. Jones-Clarke, Mr. Horn, Ms. Piersall, Dr. Hahn were in favor of the motion. Ms. Lane opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Douglas joined the meeting.

FORMAL HEARINGS:

Jaime Cook, R.N. 0001-175299

Ms. Cook did not appear.

Anne Joseph, Deputy Director, Administrative Proceedings Division and Emily Tatum, Legal Intern, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. L. Diane Paarfus, court reporter, recorded the proceedings.

Andria Christian, Senior Investigator, Department of Health Professions; Amy Palmore, R.N., Memorial Regional Medical Center; Kathy Moss, L.P.N., Memorial Regional Medical Center; Teresa Ross, Patient Care Technician, Memorial Regional Medical Center; Misty Freeman, R.N., Memorial Regional Medical Center were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:30 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Cook.. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms Power, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 7:00 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing indefinitely suspend the license of Jaime Cook until such time as she can appear before the Board and demonstrate that she is safe and competent to resume practice.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 7:03 P.M.

Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director

**VIRGINIA BOARD OF NURSING
INFORMAL CONFERENCE COMMITTEE
November 17, 2008**

TIME AND PLACE:

The meeting of the Informal Conference Committee of the Board of Nursing was convened at 9:00 A.M., in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia.

MEMBERS PRESENT:

Patricia Lane, R.N., M.S.N., Chairperson
Evelyn Lindsay, L.P.N.

STAFF PRESENT:

Brenda Krohn, R.N., M.S., Deputy Executive Director, Medication Aide Registry Manager

OTHERS PRESENT:

Anne Joseph, Deputy Director, Administrative Proceedings Division
Emily Tatum, Legal Intern, Administrative Proceedings Division
Leigh Kammerer, Health Practitioners Intervention Program
Nursing students from Prince William County Public Schools; Bon Secours School of Nursing; Southampton Memorial Hospital School of Nursing; J. Sargeant Reynolds Community College and Nurse Aide students from Adult Development Center

CONFERENCES

SCHEDULED:

Fatmata Kargbo, C.N.A. Applicant

Ms. Kargbo appeared, accompanied by her boyfriend.

CLOSED MEETING: Ms. Lindsay moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:12 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Kargbo. Additionally, Ms. Lindsay moved that Ms. Krohn and Ms. Tatum attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 9:20 A.M.

Ms. Lindsay moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved to recommend the Board issue an order to approve Fatmata Kargbo's application to take the NNAAP examination for certification as a nurse aide in Virginia and issue an unrestricted certificate upon successful completion of the examination.

The motion was seconded and carried unanimously.

As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Kargbo unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Kargbo within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this conference committee shall be vacated.

CONFERENCES SCHEDULED:

Diana Kelly, C.N.A. Applicant

Ms. Kelly did not appear.

Leigh Kammerer with the Health Practitioners Intervention Program was present and provided information to the Committee regarding Ms. Kelly's participation in the Health Practitioners Intervention Program.

CLOSED MEETING: Ms. Lindsay moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:30 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Kelly. Additionally, Ms. Lindsay moved that Ms. Krohn and Ms. Tatum attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 9:38 A.M.

Ms. Lindsay moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters

lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved to recommend the Board issue an order to deny Diana Kelly's application to take the NNAAP examination.
The motion was seconded and carried unanimously.

As provided by law, this recommendation will be presented to the Board. If accepted, this decision shall become a Final Order thirty days after service of such order on Ms. Kelly unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Kelly within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this conference committee shall be vacated.

ADJOURNMENT:

The Board adjourned at 9:40 A.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director, Medication Aide Registry Manager

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
November 17, 2008**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 9:40 A.M., in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia.

MEMBERS PRESENT: Patricia Lane, R.N., M.S.N., Chairperson
Evelyn Lindsay, L.P.N.

STAFF PRESENT: Brenda Krohn, R.N., M.S., Deputy Executive Director, Medication Aide Registry Manager

OTHERS PRESENT: Anne Joseph, Deputy Director, Administrative Proceedings Division
Emily Tatum, Legal Intern, Administrative Proceedings Division
Amanda Mitchell, Adjudication Specialist
Leigh Kammerer, Health Practitioners Intervention Program
Nursing students from Prince William County Public Schools; Bon Secours School of Nursing; Southampton Memorial Hospital School of Nursing; J. Sargeant Reynolds Community College and Nurse Aide students from Adult Development Center

**CONFERENCES
SCHEDULED:** **LaTonya T. Robinson, C.N.A. Reinstatement Applicant 1401-098456**
Ms. Robinson did not appear.

CLOSED MEETING: Ms. Lindsay moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:45 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Robinson. Additionally, Ms. Lindsay moved that Ms. Krohn and Ms. Tatum attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 9:52 A.M.

Ms. Lindsay moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved to issue an Order to deny LaTonya Robinson's application for reinstatement of her certificate to practice as nurse aide in Virginia.
The motion was seconded and carried unanimously.

As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Robinson unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Robinson within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this conference committee shall be vacated.

CONFERENCES
SCHEDULED:

Tony Johnson, L.P.N. Reinstatement Applicant 0002-030558

Mr. Johnson appeared, accompanied by his wife, Ms. Johnson; and son, Mr. Johnson.

CLOSED MEETING:

Ms. Lindsay moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 10:55 A.M. for the purpose of deliberation to reach a decision in the matter of Mr. Johnson. Additionally, Ms. Lindsay moved that Ms. Krohn and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 11:05 A.M.

Ms. Lindsay moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved to issue an Order to reinstate the license of Tony Johnson to practice as a practical nurse and issue an unrestricted license.

The motion was seconded and carried unanimously.

As provided by law, this decision shall become a Final Order thirty days after service of such order on Mr. Johnson unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Johnson within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this conference committee shall be vacated.

CONFERENCES
SCHEDULED:

Antoinette Whitehead, C.N.A. 1401-054688

Ms. Whitehead appeared.

CLOSED MEETING:

Ms. Lindsay moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 12:18 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Whitehead. Additionally, Ms. Lindsay moved that Ms. Krohn

and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 12:43 P.M.

Ms. Lindsay moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved to offer a consent order to Antoinette Whitehead for revocation of her certificate with a finding of abuse in lieu of a formal hearing.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Whitehead and the Board.

ADJOURNMENT:

The Board adjourned at 12:50 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director, Medication Aide Registry Manager